S.B.Cr.Misc. Bail App. No. 5139/2007
(Jasvinder Singh @ Jassa Singh Vs. State of Rajasthan)

Date of order : 13/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Chaitanya Gehlot for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Mr. M.K.Garg for the complainant.

Heard learned counsel for the petitioner and the Public Prosecutor for the State as also counsel appearing for the complainant. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that there is no allegation against the present petitioner causing any injury to deceased Gurdeep Singh. The allegation of causing head injury to deceased Gurdeep Singh is against co-accused Chhinda Singh. So far as the present petitioner is concerned, though injured Makhan Singh did not state in his statement under Section 161 Cr.P.C. that the petitioner inflicted any injury to him but there are two other witnesses who stated that the present petitioner inflicted injury to Makhan Singh.

I have carefully gone through the statement of witnesses Pavitra Singh and Jasveer Kaur as also injured Makhan Singh. In his statement, injured Makhan Singh has not stated any injury having been caused by the present petitioner, what he has stated is that the head injury was caused to him by Chetan Singh and so far as deceased

Gurdeep Singh is concerned, he stated that Chinda Singh inflicted head injury to Gurdeep Singh. Witness Pavitra Singh stated that co-accused Chhinda Singh inflicted head injury to Gurdeep Singh which proved fatal. So far as the allegation against the present petitioner, he stated that Jassa also inflicted injury to injured Makhan Singh. He made clear that head injury to Makhan Singh has been assigned to Chetan Singh and so is the statement of witness Jasveer Kaur and head injury to Makhan Singh has been assigned to Chetan Singh. No injury has been assigned to the present petitioner. This fact has not been disputed by the learned public prosecutor and the counsel appearing for the first informant.

In view of the evidence available on record and the fact that no specific injury to the injured has been assigned to the present petitioner and so far as the injuries caused to the deceased is concerned, the head injury to the deceased has been assigned to Chhinda Singh and the petitioner has not inflicted any injury to the deceased, without commenting on the merit of the case, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Jasvinder Singh @ Jassa Singh S/o Sarjeet Singh be released on bail in FIR No. 75/07 P.S. Gajsinghpur, district Sri Ganganagar, provided he executes a personal

bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP